

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

818397
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Attorneys for U.S. BANK TRUST, N.A., AS TRUSTEE FOR
LSF10 MASTER PARTICIPATION TRUST

In Re:

BRIAN MCCANN
BONNIE MCCANN



Order Filed on May 3, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 17-32785 - KCF

Hearing Date: April 24, 2019

Judge: KATHRYN C. FERGUSON

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: May 3, 2019

A handwritten signature in black ink, appearing to read "Kathryn C. Ferguson".

Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

Applicant: U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10 MASTER PARTICIPATION TRUST

Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC

Debtor's Counsel: James J. Cerbone, Esquire, Esquire

Property Involved ("Collateral"): 20 RHODE ISLAND DRIVE, JACKSON, NJ 08527

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 1 month, from 04/01/2019.
- ☒ The Debtor is overdue for 1 payment at \$1,592.57 per month.
- ☐ The Debtor is assessed for _____ late charges at \$_____ per month.
- ☒ Applicant acknowledges suspense funds in the amount of \$231.56.

Total Arrearages Due \$1,361.01.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$_____. Payment shall be made no later than _____.
- ☒ Beginning on 05/01/2019, regular monthly mortgage payments shall continue to be made.
- ☒ Beginning on 05/01/2019, additional monthly cure payments shall be made in the amount of \$226.84 for 5 months.
- ☒ On 10/01/2019, additional monthly cure payments shall be made in the amount of \$226.81.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment:

Caliber Home Loans, Inc.
P.O. BOX 650856
Dallas TX, 75265-0856

☒ Monthly cure payment:

Caliber Home Loans, Inc.
P.O. BOX 650856
Dallas TX, 75265-0856

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Brian McCann
Bonnie McCann
Debtors

Case No. 17-32785-KCF
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: May 03, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 05, 2019.
db/jdb +Brian McCann, Bonnie McCann, 20 Rhode Island Drive, Jackson, NJ 08527-1447

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 05, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 3, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkggroup@kmlawgroup.com
James J. Cerbone on behalf of Joint Debtor Bonnie McCann cerbonelawfirm@aol.com,
cerbonejr83307@notify.bestcase.com
James J. Cerbone on behalf of Debtor Brian McCann cerbonelawfirm@aol.com,
cerbonejr83307@notify.bestcase.com
Michael R. DuPont on behalf of Creditor United Teletech Financial FCU dupont@redbanklaw.com,
dana@redbanklaw.com
Nicholas V. Rogers on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10 MASTER
PARTICIPATION TRUST nj.bkecf@fedphe.com
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com
Robert Davidow on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10 MASTER
PARTICIPATION TRUST nj.bkecf@fedphe.com
Sherri Jennifer Smith on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10
MASTER PARTICIPATION TRUST, BY CALIBER HOME LOANS, INC., AS ITS ATTORNEY IN FACT
nj.bkecf@fedphe.com, nj.bkecf@fedphe.com
Sindi Mncina on behalf of Creditor U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10 MASTER
PARTICIPATION TRUST smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12